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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/275,887 03/25/99 OFFUTT

J 07099.0980

EXAMINER

TM02/0124

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PARISI, J

ART UNIT

PAPER NUMBER

2166

DATE MAILED:

01/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/275,887

Applicant(s)

OFFUTT ET AL.

Examiner

Joe Parisi

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 6.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Status of Claims

1. The claims currently pending before this office are numbers 1-36 as filed in applicant's initial correspondence filed on March 25, 1999. Claims 1-36 are reviewed in this Office Action.

Drawings

2. The drawings are objected to because of the following informalities listed below.
Correction is required.
 - a. In Figure 3, there appears to be a typographical error with regard to the labeling of the reference character denoting the text supplied by Server C. The reference character at the top of Figure 3 in the drawing is labeled as 336, while the text as it appears as part of the client server system is labeled as 335 while in the specification, it is also referred to by reference character 335.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:
 - a. With regard to Figure 6, item numbers 605 and 655 are not mentioned in the specification. Correction is required.
4. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification—Disclosure

5. The disclosure is objected to because of the following informalities:
 - a. On Page 10, line 4, and also on line 9, there is a typographical error. "... through an 1/0 [sic]" is incorrect.
 - b. On page 11, line 18, there is a typographical error. An extraneous space was inserted in, "... server A 3 10 contains...." Appropriate correction is required for clarity.
 - c. On page 13, line 17, there is a typographical error. An extraneous space was inserted in, "Buyer interface 5 10" Appropriate correction is required for clarity.
 - d. On page 14, line 18, there is a typographical error. An extraneous space was inserted in, "Savings response 10 1" Appropriate correction is required for clarity.
 - e. On page 16, line 12, there is a typographical error. An extraneous space was inserted in, "... savings response 1 01" Appropriate correction is required for clarity.
 - f. Other similar typographical and spacing errors are evident in the specification.
 - g. In the table included on page 17 of the specification, dollar amounts listed should conform to accepted standards of format. Specifically, zero or two decimal places should be used to denote the amounts as listed. Appropriate correction is necessary.
 - h. On Page 18, line 9, there is a typographical error. "... within I or 2" is incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1, 2, 9, 10, 12, 13, 20, 21, 23, 24, 31, 32, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahlstrom et al. in U.S. Patent Number 4,862,357 (hereafter referred to as “Ahlstrom”).

With regard to claim 1, Ahlstrom teaches the use of a computer reservation system with means to rank travel itineraries by sorting and scoring the data with regard to a predetermined travel policy (see column 1, lines 35-39). The user inputs a starting location and a destination (see column 2, line 25). The local computer then connects to the remote computer system that accesses flight scheduling information, fare information, and limitation information stored in a remote computer system database that ranks, sorts, and displays the itinerary information on the local computer (see column 2, lines 28-36). Once the itinerary information is sorted and displayed in accordance with the travel policy information the sorted information (i.e., the report) is displayed for the user and can then be printed (see column 2, lines 32-38). Alternative itineraries are evaluated during the data processing where intermediate travel stops and alternative city pairings are evaluated to determine the optimum itinerary (see column 2, line 66 to column 3, line 15). Therefore, claim 1 is rejected.

Claims 12, 23, 35, and 36 are substantially similar and parallel the limitations found in claim 1 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

With regard to claim 2, Ahlstrom teaches a computer system where the reported result of the user query lists the optimum itinerary as well as alternative itineraries. The flight information retrieved from the database is analyzed in accordance with the travel policy stored within the computer system (see column 3, lines 35-37). A scored and sorted display of each of the alternative flight itineraries is presented (see column 10, lines 25-27). Ahlstrom teaches that the scored and sorted flight alternatives can be displayed for flight selection or auditing purposes (see column 10, lines 38-40). Ahlstrom further teaches that the value of the traveler's time is used to multiply the difference between the specified itinerary score and the scores of the alternative itineraries to arrive at a readjusted ranking (see column 10, line 67 through column 11, line 28). In this manner, Ahlstrom displays the difference between the value for the specified and alternative travel itineraries. Therefore, claim 2 is rejected.

Claims 13 and 24 are substantially similar and parallel the limitations found in claim 2 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

Regarding claim 9, Ahlstrom teaches that the operator of the reservation system inputs a starting location, a final destination, and any desired intermediate stops. The analysis step then sorts and displays this information in accordance with the stored travel policy. (see column 2, lines 22-38). Therefore, claim 9 is rejected.

Claims 20 and 31 are substantially similar and parallel the limitations found in claim 9 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

Regarding claim 10, Ahlstrom teaches at the heart of his reservation system is the sorting and scoring of travel itineraries in accordance with a predetermined travel policy stored in the computer (see column 1, lines 34-38). Accordingly, predetermined travel packages that include travel between the originating location and the destination would be found using the sorting and scoring method of Ahlstrom. As such, claim 10 is rejected.

Claims 21 and 32 are substantially similar and parallel the limitations found in claim 10 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-8, 14-19, and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstrom et al. in U.S. Patent Number 4,862,357 (hereafter referred to as "Ahlstrom") as applied to claim 1 above, and further in view of DeLorme et al. in U.S. Patent Number 5,948,040 (hereafter referred to as "DeLorme").

With regard to claims 3 and 5, Ahlstrom teaches the use of city pairs that are used to specify origin and destination points. Ahlstrom further teaches that multiple cities and airports may be considered when forming the alternative itineraries, based upon the travelers' preferences (see column 11, lines 29-43). Ahlstrom does not explicitly teach that users specify an acceptable range for alternative itineraries. However, DeLorme discloses the use of geographical ranges with coordinates with which to evaluate alternative travel routes and itineraries (see column 57, starting at line 1 and further in Figure 7A). The routes taught by DeLorme include different and various routes and accommodations in accordance with user preferences and sorting criteria. One skilled in the art would be motivated to have users specify a range of locations with which to evaluate travel itineraries in an effort to reach an optimum itinerary with respect to price, time required, suitability of accommodations, and other concerns of a traveler. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to

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incorporate the geographical range of locations taught by DeLorme in the system of Ahlstrom.

As such, claims 3 and 5 are rejected.

Claims 14 and 25 are substantially similar and parallel the limitations found in claim 3 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

Claims 16 and 27 are substantially similar and parallel the limitations found in claim 5 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

With regard to claim 4, DeLorme further teaches that the geographical relations are coupled with “topical relations” and are used to locate alternate lodging choices based upon user preferences and rules-based data sorting (see column 56, starting at line 15 and further in Figures 2, 4, and 7). Therefore, claim 4 is rejected.

Claims 15 and 26 are substantially similar and parallel the limitations found in claim 4 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

With regard to claim 6, both Ahlstrom (see column 3, lines 35-37 and column 10, lines 25-27) and DeLorme (see column 57, starting at line 1 and further in Figure 7A) teach that the sorting (i.e., analyzing) step generates a list of alternate locations from which to base the user’s travel itinerary. DeLorme further teaches that this list of alternate locations is generated by sorting the geographic relations by latitude and longitude (see Figure 7A). It would have been

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obvious to one skilled in the art, at the time the invention was made to use a database comprising geographical coordinates to be used as the sorting criteria for generation of proximate locations for alternative itineraries. As such, claim 6 is rejected.

Claims 17 and 28 are substantially similar and parallel the limitations found in claim 6 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

With regard to claim 7, Ahlstrom teaches that the reservation system may be programmed to stop looking for additional acceptable itineraries once a user-specified number of flights are found (see column 5, lines 40-55). DeLorme teaches that geographical coordinates are used to determine itinerary components for users of the travel reservation and planning system (see column 56, starting at line 15 and further in Figures 2, 4, and 7). One skilled in the art would be motivated to use geographical coordinates to limit the number of returned itinerary components to reduce the database search operations and to make the outputted report manageable and consequential. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the geographical coordinates of DeLorme as constraints in the number of location sets generated in the system of Ahlstrom. Therefore, claim 7 is rejected.

Likewise with regard to claim 8, Ahlstrom teaches that the reservation system forces the user to modify their selection and/or their preference criteria if their selection of a departure point and arrival point do not generate at least one suitable city pair from which travel may

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originate and complete (see claims 2 and 25). DeLorme teaches that geographical coordinates are used to determine itinerary components for users of the travel reservation and planning system (see column 56, starting at line 15 and further in Figures 2, 4, and 7). One skilled in the art would be motivated to use geographical coordinates to increase the number of returned itinerary components to produce a search result that may be acceptable to the user. Even if the user's original constraints on travel are too narrow to produce a plausible itinerary on the first pass, a more relaxed constraint may produce an acceptable travel alternative. One skilled in the art would be further motivated to incorporate DeLorme's geographical coordinates as means with which to relax the search criteria to offer more travel options to users and thereby capture a larger percentage of planned travel that would otherwise be missed. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the geographical coordinates of DeLorme as means of increasing the search range when the number of location sets generated in the system of Ahlstrom is deemed to be too small.

Therefore, claim 8 is rejected.

Claims 18 and 29 are substantially similar and parallel the limitations found in claim 7 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

Claims 19 and 30 are substantially similar and parallel the limitations found in claim 8 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

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9. Claims 11, 22, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstrom et al. in U.S. Patent Number 4,862,357 (hereafter referred to as "Ahlstrom") as applied to claim 1 above, and further in view of Walker et al. in U.S. Patent Number 5,897,620 (hereafter referred to as "Walker").

With regard to claim 11, Walker teaches a method and apparatus for the sale of flight tickets where the user submits a bid to purchase an unspecified-time ticket for a specific itinerary, and that the traveler is willing to pay \$375 for the ticket (see column 6, lines 45-51). That is, a price-to-beat request is sent to a selected service provider with a value associated with the determined value for the travel itinerary. Further, Walker discloses that the reservation system, after determining that the traveler may be supplied with a ticket conforming to their time and value constraints, prints a ticket for the actual flight with the actual flight number and the departure/arrival times. The airline then transmits the ticket to the traveler (see column 15, lines 3-17). In this fashion, the traveler receives a response from the service provider with information and a value on a travel itinerary. One skilled in the art would be motivated to employ the bid (price-to-beat) request of Walker in the Ahlstrom system for a variety of reasons. On the supply side, the bid methodology allows travel providers to fill otherwise unoccupied seats on confirmed flights. The bid-winners, although perhaps not paying full fare prices for these available seats, nonetheless contribute to the marginal revenue of the travel provider by occupying an otherwise non-revenue-generating seat. On the demand side, travelers with a degree of flexibility in their travel plans may be able to save significantly on the price of their fare. By incorporating the bid system and method of Walker in the system of Ahlstrom, the reservation system may evaluate travel options that would not have been available if alternative

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itineraries were limited by too low a cost constraint. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to implement the bid system of Walker in the reservation system of Ahlstrom. As such, claim 11 is rejected.

Claims 22, 33, and 34 are substantially similar and parallel the limitations found in claim 11 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

Prior Art of Record

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. United States Patent Number 5,191,523 (Whitesage) 02 March 1993. A system for synthesizing travel cost information is taught where specific cost and time information is produced for comparisons between itineraries.
- b. United States Patent Number 5,021,953 (Webber et al.) 04 June 1991. A trip planner that optimizes itinerary selections conforming to individualized travel policies is taught.
- c. United States Patent Number 5,237,499 (Garback) 17 August 1993. A computer travel planning system is disclosed where travel constraints are utilized to sort data and information and to arrive at an optimum itinerary.

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- d. United States Patent Number 5,331,546 (Webber et al.) 19 July 1994. A trip planner that constructs itineraries using a variety of sorting mechanisms is taught.
- e. United States Patent Number 5,832,454 (Jafri et al.) 03 November 1998. A reservation software system is taught that utilizes multiple reservation databases and constraints from a variety of sources to construct an optimum itinerary.
- f. Basile, Abbie. "Expedia Travel Agent/Yahoo! Airlines," *Library Journal*. July 1998. p. 36. The additional features of the Expedia travel agent web site over Travelocity and Yahoo! Travel sites is discussed.
- g. Hansell, Saul. "As Patents Multiply, Web Sites Find Lawsuits Are A Click Away," *New York Times*, December 11, 1999. p. A1. The pending lawsuits for patent infringement of various on-line travel reservation providers is discussed. Particular attention is paid to Priceline and their system with the ability to specify prices consumers are willing to pay for flights and hotels.
- h. "SABRE GROUP: Travelocity to Offer Vacation and Cruise Information," M2 Presswire. December 15, 1997. p. 1. A discussion of Travelocity and the manner in which reservations are made is discussed.
- i. Smith, Michael. "One-Stop Shopping," *Canadian Banker*. Sep/Oct 1998. p. 42. Travel and financial aggregators are discussed as relating to brokered travel and hotel plans.

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Information Regarding Communication With the PTO


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Parisi whose telephone number is 703-308-7808. The examiner can normally be reached on Monday through Thursday from 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-5140.


Joe Parisi

January 18, 2001


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
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